

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LEROY THOMAS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-16-228-R
)	
CADDO COUNTY JAIL)	
ADMINISTRATION, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff, while a state prisoner appearing pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. Judge David L. Russell referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). By order dated April 6, 2016, Doc. 9, the undersigned granted Plaintiff's motion to proceed in forma pauperis. Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff was required to pay an initial partial filing fee of \$6.57 by April 26, 2016. The undersigned also advised Plaintiff that failure to comply could result in the dismissal of his action. *Id.* at 2.

To date Plaintiff has not responded to this Court's order. He has not complied with the Court's order dated April 6, 2016, nor shown good cause for his failure to do so, nor requested an extension of time to comply with the order. The undersigned finds that Plaintiff's failure to comply with this

Court's order, together with the Court's right and responsibility to manage and control its case load, warrants dismissal of this action without prejudice. *See Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1161 n.2, 1162 (10th Cir. 2007) (noting the Court applies Fed. R. Civ. P. 41(b) to allow sua sponte dismissal for "failure to . . . comply with the rules of civil procedures or court's orders").

RECOMMENDATION

Therefore, the undersigned recommends that Plaintiff's action be dismissed without prejudice. Any objection to this Report and Recommendation must be filed with the Clerk of this Court on or before the 22nd day of May, 2016, in accordance with 28 U. S. C. § 636 and Federal Rules of Civil Procedure 72. Failure to make a timely objection to this Report and Recommendation waives the right to appellate review of both the factual findings and the legal issues decided herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the Magistrate Judge in the captioned matter.

ENTERED this 2nd day of May, 2016.



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE